

REMARKS

I. Introduction

In response to the pending Office Action, Applicants have amended the title of the invention so that it more accurately represents the subject matter of the present invention. The Applicants have also amended the Abstract to address the objection thereto raised in paragraph 4 of the Office Action. Finally, Applicants have amended claims 12, 13, 17 and 18 so to address the rejection of the claims under 35 U.S.C. § 112, first paragraph. No new matter has been added.

For the reasons set forth below, it is respectfully submitted that all pending claims are patentable over the cited prior art.

II. The Rejection Of The Claims Under 35 U.S.C. § 112, First Paragraph

Claims 12, 13 and 17-23 were rejected under 35 U.S.C. § 112, first paragraph, as reciting subject matter not described in the specification. In response to the pending rejection, Applicants have amended claims 12, 13, 17 and 18 to recite that the device of the present invention includes “coupling portions” as opposed to a single coupling portion. It is noted that the originally filed specification clearly supports “coupling portions”, which are shown for example as elements 14a and 14b in Fig. 5. In view of the amendment to the foregoing claims, it is respectfully submitted that the pending rejection under 35 U.S.C. § 112, first paragraph, has been overcome.

III. The Rejection Of The Claims Under 35 U.S.C. § 102

Claims 12, 13 and 17-23 were rejected under 35 U.S.C. § 102(b) as being anticipated by USP Pub. No. 2002/0048124 to Kuwajima. It is respectfully submitted that, as amended, claim 12 and the claims dependent thereon are clearly not anticipated by Kuwajima.

More specifically, as recited by amended claim 12, the disk drive includes a head actuator having a first piezoelectric element unit, a second piezoelectric element unit and *coupling portions* for coupling the first piezoelectric element to the second piezoelectric element unit. For example, as shown in Fig. 5, the device includes coupling portion 14a and coupling portion 14b, both of which function to couple the first and second piezoelectric element units together.

Turning to the cited prior art reference, Kuwajima discloses a device in which first and second piezoelectric element units are connected together only at their respective bases (*see, e.g.*, paragraph [0123] and Fig. 6 of Kuwajima). Thus, even assuming the connection between the respective bases corresponds to a coupling portion, clearly Kuwajima does not disclose or suggest the use of multiple coupling portions as recited by amended claim 12.

Accordingly, as anticipation under 35 U.S.C. § 102 requires that each element of the claim in issue be found, either expressly described or under principles of inherency, in a single prior art reference, *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 USPQ 781 (Fed. Cir. 1983), for at least the foregoing reasons, it is clear that Kuwajima does not anticipate claim 12, as amended.

IV. All Dependent Claims Are Allowable Because The Independent Claim From Which They Depend Is Allowable

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are

contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claim 12 is patentable for the reasons set forth above, it is respectfully submitted that all pending dependent claims are also in condition for allowance.

V. Request For Notice Of Allowance

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited.

If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP


Michael E. Fogarty
Registration No. 36,139

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 MEF:dmd
Facsimile: 202.756.8087
Date: November 29, 2005

**Please recognize our Customer No. 20277
as our correspondence address.**